1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT SEATTLE 8 SON PHAM, 9 Petitioner, 10 No. C16-974RSL v. 11 UNITED STATES OF AMERICA. ORDER GRANTING MOTION 12 TO VACATE, SET ASIDE, OR Respondent. CORRECT A SENTENCE BY A 13 PERSON IN FEDERAL CUSTODY 14 This matter comes before the Court on petitioner's "Motion Under 28 U.S.C. § 2255 to 15 Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody." Dkt. # 1. In March 16 2014, petitioner was sentenced to 72 months' imprisonment for violating 18 U.S.C. § 924(c). 17 This sentence was based on the conclusion that petitioner's other conviction (under 18 U.S.C. 18 § 894(a)(1)) was for a "crime of violence." Petitioner now seeks resentencing in light of the 19 Supreme Court's recent decisions in <u>Johnson v. United States</u>, \_\_ U.S. \_\_\_, 135 S. Ct. 2551 20 (2015), and Welch v. United States, 136 S. Ct. 1257 (2016). The United States does not oppose 21 petitioner's motion. Dkt. # 5. 22 Accordingly, petitioner's motion to vacate, set aside, or correct his sentence is 23 GRANTED. The Court will contact the parties to schedule resentencing. 24 25 26 ORDER GRANTING MOTION TO VACATE, SET ASIDE, OR CORRECT 27 A SENTENCE BY A PERSON IN 28 FEDERAL CUSTODY - 1

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Robert S. Lasnik
United States District Judge

VACATE, SET ASIDE, OR CORRECT A SENTENCE BY A PERSON IN FEDERAL CUSTODY - 2